

Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

GEORGE W. BUSH.  
THE WHITE HOUSE, July 24, 2003.

#### MESSAGES FROM THE HOUSE

At 1:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2799. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

At 4:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House passed the following bills, in which it requests the concurrence of the Senate.

H.R. 2738. An act to implement the United States-Chile Free Trade Agreement.

H.R. 2739. An act to implement the United States-Singapore Free Trade Agreement.

H.R. 2800. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2738. An act to implement the United States-Chile Trade Agreement.

H.R. 2739. An act to implement the United States-Singapore Free Trade Agreement.

H.R. 2800. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes.

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2673. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3439. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Subtilis Var. Amyloliquefaciens Stain FZB24; Exemption from the Requirement of a Tolerance" (FRL7309-8) received on July 23, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3440. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, two pieces of proposed legislation relative to the Emergency Food and Shelter Program; to

the Committee on Banking, Housing, and Urban Affairs.

EC-3441. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Variable Contracts" (Rev. Rul. 2003-92) received on July 22, 2003; to the Committee on Finance.

EC-3442. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Section 269B Notice" (Notice 2003-50) received on July 22, 2003; to the Committee on Finance.

EC-3443. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Reallocation of Income and Deductions Among Unrelated Parties to a Lease Strip" (Rev. Rul. 2003-96) received on July 22, 2003; to the Committee on Finance.

EC-3444. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Update of Notice 95-53 (Lease Stripping)" (Notice 2003-55) received on July 22, 2003; to the Committee on Finance.

EC-3445. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Equity Investments Prior to a New Markets Credit Allocation" (Notice 2003-56) received on July 22, 2003; to the Committee on Finance.

EC-3446. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Variable Contracts" (Rev. Rul. 2003-91) received on July 22, 2003; to the Committee on Finance.

EC-3447. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "TD: Prohibited Allocations of Securities in an S Corporation" (RIN1545-BC33) received on July 22, 2003; to the Committee on Finance.

EC-3448. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates-August 2003" (Rev. Rul. 2003-94) received on July 22, 2003; to the Committee on Finance.

EC-3449. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NAC-MPC Revision" (RIN3150-AH20) received on July 22, 2003; to the Committee on Environment and Public Works.

EC-3450. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Ban on Trade of Methyl Bromide with Non-Parties to Montreal Protocol" (FRL7529-6) received on July 23, 2003; to the Committee on Environment and Public Works.

EC-3451. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Jersey; Revised Motor Vehicle Emissions Inventories for 1996, 2005, and 2007 and Motor Vehicle Emissions Budgets for 2005 and 2007 Using MOBILE6" (FRL7535-4) received on July 23, 2003; to the Committee on Environment and Public Works.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM-235. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to low-interest loans for military personnel called to active duty; to the Committee on Armed Services.

#### SENATE RESOLUTION NO. 151

Whereas, The recent events in our country have served to remind us of the degree to which our nation relies upon the sacrifices of our men and women in the military. With the call to active duty of thousands of members of National Guard and reserve units for overseas deployment and an increasing range of domestic security assignments, it is clear that our military strength is rooted in both the professional ranks and those working in civilian life while serving as ready reserves; and

Whereas, The men and women called to active duty to help the country respond to a crisis such as we have faced since September 11, 2001, do so at great cost to their families and, often, their careers. The uncertain length of the activation in the current situation can make the return to active duty a devastating blow to the finances of a family or a small business. When the person called to duty is the primary breadwinner in a family, for example, as is often the case, the family can face many difficulties. The mortgage payments, food and utility bills, and costs of raising children do not go away when the regular paycheck is replaced by a military paycheck that is usually far less; and

Whereas, While it would be impossible to cover the entire burden facing many families, it would be helpful for the federal government to do all it can to address this issue. A low-interest loan program for those whose active duty pay is less than civilian levels can provide short-term help with the monthly bills. For families who have sent someone to fight terrorism, whether overseas or on assignments at airports or border crossings, this would be an appropriate step to take: Now, therefore, be it

*Resolved by the Senate*, That we memorialize the Congress of the United States to provide a program of low-interest loans for military personnel called to active duty; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-236. A joint resolution adopted by the Assembly of the State of Nevada relative to expenditures of money for restoration of and water developments on the public lands in Nevada; to the Committee on Energy and Natural Resources.

#### SENATE JOINT RESOLUTION NO. 2

Whereas, In recent years, wildfires have caused extensive damage to the public lands of this state by destroying thousands of acres of public lands used for economic, wildlife and recreational purposes, and have increased the threat of infestation of exotic annual grasses and noxious weeds which may, if not controlled cause further degradation of the lands, deterioration of wildlife habitat, erosion, and diminished water quality; and

Whereas, Responsible management and preservation of the public lands of this state require restoration of the public lands through various means, including, without limitation, reseeding, planting indigenous grasses and shrubs, combating exotic annual grasses and noxious weeds and reducing the

encroachment or density of certain plants for purposes of fire suppression; and

Whereas, Because of a lack of adequate water developments on the public lands of this state, wildlife and livestock on those public lands have been forced to concentrate near the limited number of water developments thus jeopardizing the ecological health of the public lands; and

Whereas, Responsible management and preservation of the public lands of this state require increasing the number of water developments on the public lands of this state so that the wildlife and livestock on those public lands will be properly dispersed; and

Whereas, Proper management and preservation of the public lands and waters of this state are critical as these lands support a wide variety of vital activities that are integral to the economic success and enjoyment of the natural resources of this state, including ranching, mining and recreation, and are a unique and important historical, cultural and environmental resource that must be maintained and preserved for the use and appreciation of current and future Nevadans; and

Whereas, The continued economic success of this state, existence of wildlife diversity in this state and enjoyment derived from the natural resources of this state depend on the maintenance of healthy ecosystems within the public lands and waters of this state; and

Whereas, The Southern Nevada Public Land Management Act of 1998, Pub. L. 105-263, 112 Stat. 2343, authorizes the Secretary of the Interior to expend a portion of the proceeds of the sale or exchange of certain public lands in Clark County for conservation initiatives on certain public lands in Clark County; and

Whereas, It would greatly benefit and protect the ecosystems on the public lands in Clark County if the Secretary of the Interior expended the money authorized for such conservation initiatives to pay for restoration of and water developments on certain public lands in Clark County; and

Whereas, The Federal Land Transaction Facilitation Act, 43 U.S.C. §§2301 et seq., which addresses the sale or exchange of public lands in areas other than certain public lands in Clark County, requires the Secretary of the Interior and the Secretary of Agriculture to use the proceeds of such sales or exchanges for certain purposes, but the Act does not specifically designate any money for restoration of and water developments on the public lands in the areas in which the sales or exchanges occurred; and

Whereas, It would greatly benefit and protect the ecosystems on the public lands in the areas of this state where public lands are sold or exchanged pursuant to the Federal Land Transaction Facilitation Act, 43 U.S.C. §§2301 et seq., if the Act authorized the Secretary of the Interior and the Secretary of Agriculture to expend a portion of the proceeds obtained from such sales or exchanges for restoration of and water developments on the public lands in those areas: Now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, Jointly,* That the members of the Nevada Legislature hereby urge the Secretary of the Interior to expend the money authorized pursuant to the Southern Nevada Public Land Management Act of 1998, Pub. L. 105-263, 112 Stat. 2343, for conservation initiatives on certain public lands in Clark County to pay for restoration of and water developments on such public lands in Clark County; and be it further

*Resolved,* That the members of the Nevada Legislature hereby urge Congress to amend the Federal Land Transaction Facilitation Act, 43 U.S.C. §§2301 et seq., to authorize the Secretary of the Interior and the Secretary

of Agriculture to expend money obtained pursuant to the Act to pay for restoration of and water developments on the public lands in the areas of Nevada where public lands are sold or exchanged pursuant to the Act; and be it further

*Resolved,* That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

*Resolved,* That this resolution becomes effective upon passage.

POM-237. A joint resolution adopted by the Assembly of the State of Nevada relative to the allocation of water rights for watering livestock on public lands; to the Committee on Energy and Natural Resources.

#### SENATE JOINT RESOLUTION NO. 1

Whereas, Approximately 87 percent of the land in Nevada is held by the Federal Government and approximately 68 percent of the land in Nevada is administered by the Bureau of Land Management of the Department of the Interior; and

Whereas, Proper management and allocation of water resources on those lands are critical to the State of Nevada as those lands comprise a vast majority of the land in Nevada and as Nevada is one of the most arid states in the nation; and

Whereas, The State of Nevada has traditionally allocated water rights on public lands managed or controlled by the Federal Government pursuant to a system that provides an option for a range user to hold water rights for watering livestock solely in his own name; and

Whereas, In the mid-1990s, the Secretary of the Interior adopted regulations to be administered by the Bureau of Land Management which departed from that system by establishing a new approach to the allocation of water rights for watering livestock on public lands; and

Whereas, This new approach is codified in the second sentence of 43 C.F.R. §4120.3-9 and has the effect of significantly interfering with a range user holding such water rights solely in his own name even if the range user was fully responsible for the development of the water rights and putting the water at issue to beneficial use; and

Whereas, Since the adoption of the federal regulation at issue, important water developments on the public lands in Nevada have been postponed while the State of Nevada and the Bureau of Land Management attempt to resolve issues concerning the allocation of water rights for watering livestock on public lands; and

Whereas, If the sentence of 43 C.F.R. §4120.3-9 which is at issue were deleted:

1. The State of Nevada could provide a range user the option of holding water rights for watering livestock on public lands in Nevada solely in his own name, without interference, as the State has done successfully for many years;

2. A range user who is fully and solely responsible for the development of water rights and putting those water rights to beneficial use would be authorized to hold such water rights in his own name; and

3. Important water developments on the public lands in the State of Nevada could be resumed; now, therefore, be it

*Resolved by the Senate and Assembly of the State of Nevada, Jointly,* That the members of the 72nd Session of the Nevada Legislature hereby urge the Secretary of the Interior to

amend the regulations set forth in 43 C.F.R. §4120.3-9 by deleting the second sentence of that regulation in its entirety; and be it further

*Resolved,* That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

*Resolved,* That this resolution becomes effective upon passage.

POM-238. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to urging the United States Department of Homeland Security to locate its Midwestern Headquarters at the Selfridge Air National Guard Base in Macomb County; to the Committee on Environment and Public Works.

#### HOUSE RESOLUTION NO. 47

Whereas, As our country continues to put in place stronger defenses against terrorism through homeland security measures, a key component will be the establishment of regional headquarters for the United States Department of Homeland Security. The President has called for regional centers in his 2004 budget proposal; and

Whereas, In the Midwest, an excellent site for a regional headquarters is the Selfridge Air National Guard Base in Macomb County. The advantages this location offers range from low costs, unsurpassed strategic significance, and facilities that can provide for a swift and smooth transition to the responsibilities of homeland security work; and

Whereas, Located at the heart of the nation's freshwater network and near several of the busiest international points of entry along our northern border, Selfridge is well positioned to handle quickly any type of task to protect America's people, resources, and infrastructure. Clearly, this location offers opportunities for enhanced responsiveness to the challenges before us in safeguarding our nation in the years ahead; now, therefore, be it

*Resolved by the House of Representatives,* That we urge the United States Department of Homeland Security to locate its Midwestern headquarters at the Selfridge Air National Guard Base in Macomb County; and be it further

*Resolved,* That copies of this resolution be transmitted to the Secretary of the United States Department of Homeland Security, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-239. A concurrent resolution adopted by the Senate of the Legislature of the State of Michigan relative to repealing the federal excise tax on telephone and other communications services; to the Committee on Finance.

#### SENATE CONCURRENT RESOLUTION NO. 4

Whereas, The federal tax on telephone service was put in place in 1898 as a temporary luxury tax on the new technology of the telephone. At that time, the government needed money to help pay for the Spanish-American War. Over the past century, this tax, which is now three percent, has been changed many times; and

Whereas, Recently, a focal point of tax policy has been the question of taxing another emerging communications technology, the Internet. This discussion has caused some observers to reexamine the nature of certain taxes. There is a strong parallel between the

notion of taxing some aspect of the Internet and the tax applied to the telephone a century ago; and

Whereas, The federal excise tax on telephone services provides an example of poor public policy. This tax is regressive in that all taxpayers, regardless of ability to do so, pay the same rate even though a phone is a necessity of modern life. Unlike other federal excise taxes, the telephone tax is not an attempt to reduce public use of a product like tobacco or alcohol that can be harmful and is not needed. In addition, the money raised from this excise tax does not go to any specific purpose related to telecommunications; now, therefore, be it

*Resolved by the Senate* (the House of Representatives concurring), That we memorialize the Congress of the United States to repeal the federal excise tax on telephone and other communications services; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-240. A resolution from the Senate of the Legislature of the State of Michigan international border crossings; to the Committee on Finance.

#### SENATE RESOLUTION No. 149

Whereas, The events of September 11, 2001, have shattered the illusion that past practices are adequate when it comes to security issues. One of the most important elements of security for our state is the need for stronger and more thorough measures at Michigan's international points of entry. While some people have long called for increased resources at border crossings, there is a little disputing the significance of this now; and

Whereas, Because of its unique and mutually beneficial relationship with Ontario, Michigan includes some of the busiest crossing points along the entire United States-Canada border. In addition to the number of people who cross the border each year, the amount of equipment and goods here far surpasses the traffic in other regions. The importance of free trade to both our countries is reflected in the volume of material that comes into Michigan each day; and

Whereas, Although there may eventually be other ways to heighten security at border crossings with new technologies and other strategies, the most effective, immediate, and practical approach to take is to increase significantly the number of customs agents working at entry points. No single step offers a greater return than putting more trained and dedicated customs agents at our international border crossings. In addition to the added measure of security from better inspections and examinations of people and goods entering the country, the increased staffing would also bring benefits by reducing delays as much as is practical; now, therefore, be it

*Resolved by the Senate*, That we memorialize the Congress of the United States to increase the number of customs inspectors at Michigan's international border crossings; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-241. A resolution adopted by the Senate of the General Assembly of the State of Pennsylvania relative to prescription drug

benefits to recipients of Medicare; to the Committee on Finance.

#### SENATE RESOLUTION

Whereas, The United States House of Representatives is about to consider legislation proposed by President Bush that would provide prescription drug benefits to recipients of Medicare; and

Whereas, The proposed legislation utilizes private companies to provide the benefits but does not consider public programs such as PACE and PACENET; and

Whereas, PACE, PACENET and public programs like them in 12 other states have saved millions of dollars in expensive medical procedures which have been prevented or delayed because participants have been kept healthy with their needed prescription medications; and

Whereas, Because the benefits of State programs will likely be more generous than any Federal benefit, low-income seniors will not leave PACE and PACENET, and Pennsylvania will see no savings; and

Whereas, Consequently PACE and PACENET should be recognized as PROVIDERS under any Medicare prescription drug bill passed by the Congress of the United States; and

Whereas, Our seniors would be allowed to continue to use a program they trust while reimbursing PACE and PACENET appropriately; and

Whereas, Protecting seniors' options for coverage so they have real choices is paramount and can lead to significant cost savings and expanded benefits as well as rewarding states that invest in prescription drug coverage; and

Whereas, Congress is urged to include the following language in the proposed legislation:

Notwithstanding any other provision of law, at the option of the State, any person enrolled in a State prescription assistance program or a Section 1115 Medicaid Pharmacy Plus Demonstration Program and eligible for Medicare benefits shall be deemed enrolled in the Medicare prescription program established by this act to the extent of but no more than the benefit amount provided under this act. The Secretary of Health and Human Services shall transfer a sum to each eligible State equivalent to the amount of Federal funds that would have been expended under the program established by this act. The sum shall be transferred once every three months and shall provide funding for prescription services and related administrative expenses for the total number of enrolled individuals in the previous three months. In the case of a State with a Section 1115 Medicaid Pharmacy Plus Demonstration Program, the amount transferred pursuant to this act shall be deducted from the State's Medicaid claim for quarter covered by the transfer; therefore be it

*Resolved*, That the Senate urge Congress to consider the PACE and PACENET programs for inclusion in the President's proposed program to provide prescription drug benefits to recipients of Medicare; and be it further

*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1260. A bill to promote the development of the commercial space transportation in-

dustry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, and for other purposes (Rept. No. 108-111).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 124. A resolution designating September 28, 2003, as "National Good Neighbor Day".

S. Res. 167. A resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1301. A bill to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 40. A concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

\*Foreign Service nominations beginning James M. Cunningham and ending Howard M. Krawitz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 25, 2003.

By Mr. HATCH for the Committee on the Judiciary.

James O. Browning of New Mexico, to be United States District Judge for the District of New Mexico.

H. Brent McKnight, of North Carolina, to be United States District Judge for the Western District of North Carolina.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENSIGN:

S. 1450. A bill to amend the Internal Revenue Code of 1986 to provide additional choice regarding unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Finance.